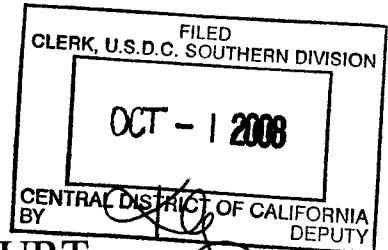


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JESSE WAGNER,

Case No. EDCV 08-1077-AG (RNB)

Petitioner,

ORDER ADOPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

vs.

MATTHEW CATES, et al.,

Respondents.

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed herein. The Court concurs with and adopts the findings, conclusions and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that Judgment be entered denying the Petition and summarily dismissing this action without prejudice for failure to exhaust state remedies.

DATED: Sept 30, 2008

ANDREW J. GUILFORD
UNITED STATES DISTRICT JUDGE